



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
JAMES G. OWEN

Ser. No. 10/646,252

Filed: August 22, 2003

For: APPARATUS AND METHOD FOR
PRECLUDING ARTICLES FROM
FALLING INTO A GAP

Attorney Docket No. OWEN 2 00002

Examiner:

Art Unit: 3637

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §§ 1.56, 1.97, 1.98 and MPEP § 609, applicant brings to the attention of the Examiner the commercial products listed below, which the Examiner might find pertinent to the examination of the captioned application. A copy of PTO-1449 listing the products is enclosed herewith.

CERTIFICATE OF MAILING

I hereby certify that this **INFORMATION DISCLOSURE STATEMENT** is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on December 9, 2003.

By:


Caroline A. Schweter

Date: December 9, 2003

- Ref. CA: Photographs of Counter Trim Kit product sold by Vance Industries, Inc.
- Ref. CB: Photographs of Space Eraser product sold by Magic American Corporation
- Ref. CC: Web page showing a Kleen Seam product sold by Home Trends
- Ref. CD: Web page showing a No Spill Guard product sold by Home Trends
- Ref. CE: Web pages showing various sealer trim products sold by Magic American Corporation under the MAGIC trademark and obtainable through the www.magicamerican.com Web site
- Ref. CF: Web pages showing various caulkstrip products sold by Magic American Corporation under the MYRO trademark and obtainable through the www.magicamerican.com Web site

The Vance Industries Counter Trim Kit (Ref. CA) comprises a rigid steel device having a T-shaped cross section. The packaging for the product shows it being placed in the gap between the horizontal top surfaces of a counter and an appliance so that the cross member of the "T" spans the gap with the vertical leg of the "T" depending down into the gap. The packaging also discloses applying double-sided tape to the vertical leg of the "T" to adhere the leg to the appliance down in the gap. The packaging also discloses that the device can be cut to a shorter length with a hacksaw. Applicant acknowledges that this product constitutes prior art with respect to the subject application.

The Magic American Space Eraser (Ref. CB) comprises a rigid aluminum device having a T-shaped cross section. The packaging for the product shows it being placed in the gap between the horizontal top surfaces of a counter and a stove so that the cross member of the "T" spans the gap with the vertical leg of the "T" depending down into the gap. The packaging also discloses applying the device between a counter and another appliance, such as a dishwasher, and between a washer and a dryer.

The Kleen Seam (Ref. CC) and No Spill Guard (Ref. CD) appear to be similar to the two products discussed above. They also are T-shaped in cross section and are placed into a gap between adjacent horizontal surfaces to prevent dirt and other materials from falling into the gap.

The Kleen Seam product is described as being fire-retardant vinyl. The description of the No Spill Guard product states that it attaches with double-sided tape.

Among the Magic American sealer trim and caulkstrip products shown in the Web pages of Ref. CE and Ref. CF are Bathtub Sealer Trim, Vanity & Wall Sealer Trim, Fixture Trim, and Counter Trim products sold under the MAGIC brand, and Tub & Wall Caulkstrip, Tub & Floor Caulkstrip, and Wall & Counter Caulkstrip products sold under the MYRO brand. Each of these products appears to comprise a roll of flat, adhesive-backed, tape-like flexible plastic material that can be readily folded into an L-shape to seal the junction between a vertical surface and a horizontal surface to prevent dirt, water, and other substances from entering gaps that might exist between the two surfaces.

This statement is not intended to represent that a search has been conducted or that no better art exists. Applicant reserves the right to contest the applicability of any of the above-mentioned references as prior art against the subject application if, in fact, one or more of the references does not qualify as relevant prior art.

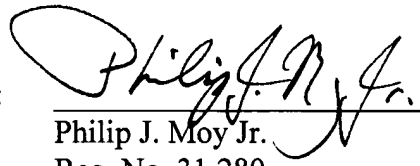
Upon information and belief, this information disclosure statement is being filed before the mailing of the first office action on the merits for the application. Accordingly, under

37 C.F.R. § 97(b)(3), no fee is necessary. In the event the Commissioner determines that a fee is required, however, please charge the fee to our Deposit Account No. 06-0308.

Respectfully submitted,

FAY, SHARPE, FAGAN, MINNICH
& McKEE, LLP

By:



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PTO/SB/08B (08-03)

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Citation if Known

Applicant's Name	10/646,252
Filing Date	August 22, 2003
First Named Inventor	James W. Owen
Art Unit	3637
Examiner Name	Unknown
Attorney Docket Number	OWEN 2 00002

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	CA	Color Photographs of Counter Trim Kit product sold by Vance Industries, Inc.	
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Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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